

ESTTA Tracking number: **ESTTA562789**Filing date: **10/02/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Boyd Gaming Corporation		
Entity	Corporation	Citizenship	Nevada
Address	6465 South Rainbow Blvd. Las Vegas, NV 89118 UNITED STATES		

Attorney information	Kelley L. Nyquist Brownstein Hyatt Farber Schreck LLP 100 N. City Parkway, Suite 1600 Las Vegas, NV 89106 UNITED STATES lvpto@bhfs.com, jobermeyer@bhfs.com, kgoldberg@bhfs.com, jmyers@bhfs.com, elewis@bhfs.com Phone:(702) 382-2101
----------------------	--

**Registration Subject to Cancellation**

Registration No	3812473	Registration date	07/06/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	ZITRO IP S.AR.L. 1, RUE DES GLACIS LUXEMBOURG, L-1628 LUXEMBOURG		

**Goods/Services Subject to Cancellation**

Class 009. All goods and services in the class are cancelled, namely: Gaming devices, namely, gaming machines, slot machines, bingo machines, with or without video output; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals
---

**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
Other	Registrant has failed to commence use of the registered mark in commerce within a reasonable time of the date of registration (Section 44(e)).

Attachments	Petition for Cancellation 3812473.pdf(155136 bytes )
-------------	--

---

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kelley L. Nyquist/
Name	Kelley L. Nyquist
Date	10/02/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Boyd Gaming Corporation,  
Petitioner,

v.

Zitro IP S.AR.L.,  
Registrant.

**CANCELLATION NO.** \_\_\_\_\_

Registration No.: 3,812,473

Mark: POWERMANIA BINGO

International Class: 09

Registration Date: July 06, 2010

**PETITION FOR CANCELLATION**

Boyd Gaming Corporation ("Petitioner"), a Nevada corporation having its principal place of business at 6465 South Rainbow Boulevard, Las Vegas, Nevada, 89118, believes it will be damaged by Registration No. 3,812,473 and hereby petitions to cancel the same under 15 U.S.C. § 1064. The grounds for cancellation are as follows:

**A. Petitioner's Application**

1. Petitioner filed a trademark application with the United States Patent and Trademark Office ("USPTO") on August 14, 2012, to register POWER BINGO ("Petitioner's Mark") for "Entertainment in the nature of bingo games and tournaments; Gambling services" pursuant to 15 U.S.C. § 1051(b). The USPTO assigned the application Serial No. 85-703,647 ("Petitioner's Application").

2. The USPTO refused Petitioner's Application on September 8, 2012, on the basis that Petitioner's Mark is confusingly similar the mark in Registration No. 3,812,473.

3. Upon information and belief, Zitro IP S.AR.L. ("Zitro") owns Registration No. 3,812,473 for the mark POWERMANIA BINGO (the "MANIA Mark") in International

Class 09 for “Gaming devices, namely, gaming machines, slot machines, bingo machines, with or without video output; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals”.

4. Upon information and belief, Zitro is a corporation organized under the laws of Luxembourg with an address of 1, Rue Des Glacis, Luxembourg L-1628, Luxembourg.

5. Zitro’s predecessor in interest, Monoscoop, B.V. (“Monoscoop”), filed a Section 1(b) intent-to-use based application for the MANIA Mark on December 28, 2007. The USPTO allowed the application on February 17, 2009.

6. Upon information and belief, having failed to substantiate use of the MANIA Mark in United States commerce, Monoscoop filed a Petition to Amend the Basis of its application from Section 1(b) to Section 44(e) on March 19, 2010. The USPTO granted Monoscoop’s Petition on February 22, 2010.

7. Monoscoop’s application for the MANIA Mark registered on July 6, 2010 (the “Blocking Registration”).

8. Upon information and belief, Monoscoop assigned its entire interest in the Blocking Registration to Zitro on or about January 14, 2011.

9. Upon information and belief, Monoscoop lacked the bona fide intent to use the MANIA Mark in the United States at the time it filed its application on December 28, 2007.

10. Upon information and belief, in the more than three years since the Blocking Registration issued, neither Zitro nor Monoscoop have made a bona fide use of the MANIA Mark in United States commerce.

11. In the alternative, if Zitro or Monoscoop ever made a bona fide use of the MANIA Mark in commerce, upon information and belief, such use was not commenced within a reasonable period after the Blocking Registration issued.

12. Also in the alternative, if Zitro or Monoscoop ever made a bona fide use of the MANIA Mark in commerce, upon information and belief, all such use of the MANIA Mark has been abandoned with no intent to resume.

13. Petitioner will be damaged if Zitro is permitted to maintain the Blocking Registration. Specifically, Petitioner will be refused a federal trademark registration for Petitioner's Mark based upon a perceived likelihood of confusion with the MANIA Mark in the Blocking Registration.

---

**C. Request for Relief**

WHEREFORE, Petitioner prays that Registration No. 3,812,473 be cancelled, and that this Petition for Cancellation be sustained in Petitioner's favor.

Respectfully submitted,

Dated: October 2, 2013

By: /Kelley L. Nyquist/  
Kelley L. Nyquist  
Joanna M. Myers  
Brownstein Hyatt Farber Schreck, LLP  
100 North City Parkway  
Suite 1600  
Las Vegas, Nevada 89106-4614

Attorneys for Petitioner,  
Boyd Gaming Corporation

**PROOF OF SERVICE**

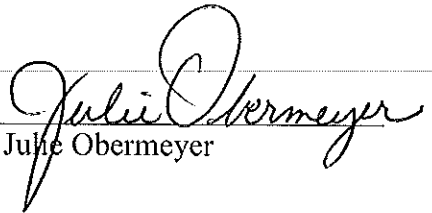
Julie Obermeyer, an employee of Brownstein Hyatt Farber Schreck, LLP, says that on October 2, 2013, she served a copy of this PETITION FOR CANCELLATION upon the following by enclosing the same in a First Class postage paid envelope and depositing it in the U.S. mail:

Zitro IP S.A.R.L.  
1, Rue Des Glacis  
Luxembourg L-1628  
Luxembourg

Charles W. Fallow  
Shoemaker & Mattare  
10 Post Office Road, Suite 100  
Silver Spring, Maryland 20910

I declare that the statement above is true to the best of my information, knowledge and belief.

---

  
Julie Obermeyer